

IC 20-1-1.1

Chapter 1.1. Powers and Duties of Department of Education

IC 20-1-1.1-1

Definitions

Sec. 1. As used in this article:

"Board" refers to the state board of education established by IC 20-1-1-1.

"Department" refers to the department of education established by section 2 of this chapter.

"Superintendent" refers to the state superintendent of public instruction.

As added by P.L.20-1984, SEC.26. Amended by P.L.390-1987(ss), SEC.1.

IC 20-1-1.1-2

Establishment

Sec. 2. The department of education is established.

As added by P.L.20-1984, SEC.26.

IC 20-1-1.1-3

Director

Sec. 3. The state superintendent of public instruction is the director of the department.

As added by P.L.20-1984, SEC.26.

IC 20-1-1.1-4

Hiring personnel

Sec. 4. The superintendent, subject to IC 20-1-1-6(1), with the approval of the state budget agency, may hire the personnel necessary to perform the duties of the department under this title.

As added by P.L.20-1984, SEC.26.

IC 20-1-1.1-5

Duties of department

Sec. 5. The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the board;
- (3) conduct analytical research to assist the state board of education in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity and gender of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

As added by P.L.20-1984, SEC.26. Amended by P.L.142-1995, SEC.29; P.L.48-1999, SEC.1.

IC 20-1-1.1-6

Powers of department

Sec. 6. The department may:

- (1) exercise the powers granted by statute;
- (2) with the approval of the state budget agency, employ experts and consultants to assist the department in carrying out its functions;
- (3) utilize, with their consent, the services and facilities of other state agencies without reimbursements;
- (4) accept in the name of the department, for use in carrying out the functions of the department, any money received by gift, grant, bequest, or otherwise;
- (5) accept voluntary and uncompensated services; and
- (6) expend funds made available to the department according to policies established by the state budget agency.

As added by P.L.20-1984, SEC.26.

IC 20-1-1.1-7

Education consultant for health and physical education; duties; programs

Sec. 7. (a) The department of education shall:

- (1) establish the position of education consultant for health and physical education; and
- (2) hire an individual to perform the duties of education consultant.

(b) The education consultant for health and physical education shall:

- (1) plan and develop curriculum for health and physical education for grades kindergarten through 12; and
- (2) perform other duties as the department designates.

(c) The department of education shall establish a program in health and physical education for children in grades kindergarten through 12. The purposes of this program are to encourage children to develop:

- (1) healthful living habits;
- (2) an interest in lifetime health and physical fitness; and
- (3) decisionmaking skills in the areas of health and physical fitness.

(d) The program in health and physical education must include the following elements:

- (1) Local school program development.
- (2) Technical and inservice training assistance for local schools.
- (3) Local school initiatives in writing curricula in the areas of health and physical education.
- (4) Cardiopulmonary resuscitation training using a training program approved by the American Heart Association or an equivalent nationally recognized training program.

(e) In establishing the program in health and physical education, the department may give grants to or enter into contracts with individuals or school corporations to carry out the purposes of the

program.

As added by P.L.190-1985, SEC.1. Amended by P.L.206-2001, SEC.1.

IC 20-1-1.1-8 Repealed

(Repealed by P.L.2-1997, SEC.90.)

IC 20-1-1.1-9

Federal grants; restrictions on acceptance or distribution; withdrawal from grant program

Sec. 9. (a) The department may not accept or distribute to school corporations grants from the United States government under Title III of P.L.103-227, if the superintendent determines that acceptance or distribution of grant money does at least one (1) of the following:

(1) Authorizes an officer or employee of the United States government to mandate, direct, or control at least one (1) of the following:

(A) The department.

(B) A school corporation.

(C) A school curriculum or program of instruction.

(D) Allocation of a state or local government resource.

(2) Requires the department, a school corporation, or a school to spend money or incur an expense not paid under Title III of P.L.103-227.

(3) Requires a school corporation, as a condition of participation, to increase the access of students to at least one

(1) of the following:

(A) Social services.

(B) Health care.

(C) Nutrition.

(D) Services related to the services listed in clauses (A) through (C).

(E) Child care services.

(4) Requires a school corporation, as a condition of participation, to implement an outcome based education program.

(5) Requires a school corporation, as a condition of participation, to adopt:

(1) a national curriculum; or

(2) national assessment standards.

(6) Requires United States government certification of:

(1) a state curriculum; or

(2) state assessment standards.

(b) The governing body of a school corporation that receives a grant under this section may withdraw from participation in the grant program at the following times:

(1) At the end of a school year.

(2) At any time during a school year, if money received for participation in the grant program is returned to the department.

The amount that a school corporation must return to the

department is the amount received for expenditure during the time after the school corporation has ceased to participate in the program.

As added by P.L.2-1997, SEC.56.

IC 20-1-1.1-10

Approval of school building construction, alteration, or repair plans

Sec. 10. The department may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

- (1) The terms of a federal grant or a federal law.
- (2) IC 20-1-6-5 concerning the authorization of a special school for children with disabilities.

As added by P.L.2-1997, SEC.57.